IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8180 OF 2007

Xavier Francis : Petitioner

V/s.

M/s.M.D.Construction Co. : Respondent

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Mr.S.D.Patil i/b. Mr.V.K.Mahangare for the petitioner.

Mr.Sean Wassoodew for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : NOVEMBER 01, 2007.

P.C.

Rule, returnable forthwith.

Mr.Wassoodew waives service for the respondent.

Heard by consent.

2. After hearing the matter for sometime, the following order is passed by consent:-

O R D E R

(i) The impugned order to the extent it directs deposit of Rs.2,71,000/- towards the petitioner’s share in ground rent is hereby set aside. However, the

petitioner shall deposit the said amount in the trial Court within a period of six weeks from today since the ground rent has been calculated proportionately.

(ii) The trial Court shall consider the respondent's application dated 15.1.2007 praying for deposit of the ground rent independently and separately in accordance with law within a period of six weeks from today.

(iii) The rule is made absolute in the above terms.

(iv) This order shall be communicated immediately by the petitioner to the trial Court.

S.A. BOBDE, J.